



### Attorney for Plaintiff:

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**\$565,000 RECOVERY**

**Motor Vehicle Negligence – Intersection collision – Defendant bus driver fails to obey stop sign – Aggravation of long-standing lumbar condition that necessitated lumbar fusion in 2002.**

*Bronx County, New York*

**The plaintiff driver, in her 30's, contended that the defendant bus driver negligently failed to obey a stop sign, causing the collision. The defendant maintained that he stopped before proceeding, and that the plaintiff was comparatively negligent.**

The plaintiff, who successfully moved for Summary Judgment on liability, stressed that the defendant had the obligation to wait to proceed until safe even if he initially stopped. She entered judgment on liability on October 1, 2013, and 9% interest commenced accruing.

The plaintiff had a long history of lower back complaints and underwent a lumbar fusion in 2002. She opined that although she continued to treat up until the time of the subject collision, the condition was stable, and that there was no consideration for a spinal cord stimulator. The plaintiff maintained that because of the aggravation caused by this accident, she required the surgical implantation of such a stimulator, and that her permanent pain and weakness have increased significantly.

The defendant supported that the plaintiff's current complaints stem from the natural progression of the earlier condition only. The case settled prior to trial for \$565,000.

### Reference

Plaintiff's orthopedic surgeon expert: David Adin, MD from Astoria, NY. Plaintiff's orthopedic surgeon/life care planning expert: Edwin Richter, MD from Stamford, CT.

Alberio vs. Vazquez and Pinnacle Bus Service. Index no. 302258/13, 07-16-15.

Attorney for plaintiff: Gary J. Young and Jack Cutrone of Robert K. Young & Associates in Merrick, NY.